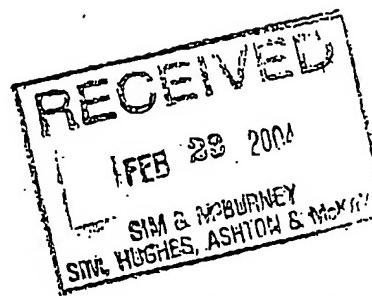


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February 18, 2004

**Application No.** : 2,288,283  
**Owner** : MATSUSHITA GRAPHIC COMMUNICATION SYSTEMS, INC.  
**Title** : ACTIVATION OF MULTIPLE XDSL MODEMS WITH IMPLICIT CHANNEL PROBE  
**Classification** : H04B-1/38  
**Your File No.** : 9116-68 MIS  
**Examiner** : Jean Fortin

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE PATENT RULES. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(A) OF THE PATENT ACT, A WRITTEN REPLY MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on May 6, 2003.

The number of claims in this application is 12.

The examiner has identified the following defects in the application:

A search of the prior art has revealed the following:

Reference Applied:

European Patent Office Application  
0 820 168 January 21, 1998 Wu

Wu discloses a modem operating in different DSL modes while using probing tones. Said modem having a startup procedure comprising a handshake protocol, short length sequence training and normal reference training.

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Reference Re-Applied:United States Patents

5 715 277 February 3, 1998 Goodson et al.

Goodson et al. disclose a data communication able to determine the transmission mode using probe signal for optimizing transmission while simultaneously exchanging data and performing an analysis at substantially the same time.

In its response, the Agent states:

1. the cited US Patents "are concerned with voice band"
2. "in which a frequency carrier and symbol rate is selected based upon signal and echo characteristics of the communication link (media)."

While the Examiner agrees that the present claims relates to a xDSL technology, the claims presented in this application represent the same functionality as the one found in the cited documents such as "partially performs a handshaking", analysis by a probe device and selection of a communication protocol according to the analysis performed by the probe device. Furthermore, the Examiner as included an European document by Wu which describes a modem using a technology directly related to the present application.

The claims on file do not comply with Section 28.3 of the *Patent Act*. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to Wu or Goodson et al..

A statement in an application, such as found on page 15, line 4, which incorporates by reference any other document, does not comply with Subsection 81(1) of the Patent Rules.

~~In view of the foregoing defects, the applicant is requested, under Subsection 50(2) of the Patent Rules, to amend the application in order to comply with the Patent Act and the Patent Rules or to provide arguments as to why the application does comply.~~

Jean Fortin  
Patent Examiner  
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~~22882838, jf~~